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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,005

01/02/2004

Donna J. Duchek

2471-000002/US/CPC

5495

7590

12/15/2006

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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3781

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,005

Applicant(s)

DUCHEK, DONNA J.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 24-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/15/06-01/02/04.

- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 12/06/06
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. Applicant initiated a telephone interview on December 06, 2006 in that applicant elected claims 1-23 without traverse.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the container having one pivot flap defining the entire bottom and having more than one free end extending from the container must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 2, 10, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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It seems that there is nothing in the disclosure show the container having one pivot flap defining the entire bottom and having more than one free end extending from the container.

Claim 23 is confusing. The claim recites a kit. However, there is no kit being disclosed. It seems that the container is the kit as claimed.

4. Claims 1, 2, 4, 6, 9, 10, 15-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagnitz (683532), or in the alternative under 35 U.S.C. 103 (a) as being unpatentable over Wagnitz. Wagnitz teaches a container having two sidewalls woupled along at least two junctures so as to lie generally flat in a collapsed position and at least one flap pivotably coupled to at least one of the walls, a pull cord coupled to the flap to extend the container from a collapsed position to a erected position and the flap to define substantially the entirety of a bottom of the expanded container.

With respect to the method claim, it is note that the container of Wagnitz is capable of being set in the intended manner. Furthermore, in the alternative, it would have been obvious to one of ordinary skill the art when setting up a collapsible container, there are many ways to set up a collapsed container including the method of one hand holding the container while the other hand pulling on the string, e.g. when tightening up the two ends of the strings, one to hold the container and one end of the string on one end while pulling the other end to create tension in the string enable one to tie up the box.

Regarding claim 4, note the second flap 13 with a

5. Claims 1, 3, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dreyspring (21743). Dreyspring teaches a container with only one flap forming the bottom and a pull cord as claimed.

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6. Claims 5, 11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wagnitz in view of Filmer (587804) or Blake (1685016). It would have been obvious to one of ordinary skill in the art to provide a lid pivotally coupled to the sidewall for protecting the contents.

7. Claim 7-8, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wagnitz or Dreyspring in view of Miller (282657). It would have been obvious to one of ordinary skill in the art to provide indicia like advertisement as taught by Miller to promote the manufacturer.

8. Claims 12, 21, 22, 23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wagnitz in view of Goodyear (2348378). It would have been obvious for one of ordinary skill in the art to provide panel 11 with an area to provide an interference fit as taught by Goodyear, note area 28 covering the entire bottom of the container, to provide a lock for the bottom of the container.

9. Claims 1, 2, 4, 6, 9, 10, 12, 15-17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knobloch (616473) or in the alternative under 35 U.S.C. 103 (a) as being unpatentable over Knobloch. Knobloch teaches a container with flaps A' and the combined F and G comprises the second flap as claimed. With respect to the method claims, it would have been obvious to one of ordinary skill the art when setting up a collapsible container, there are many ways to set up a collapsed container including the method of one hand holding the container while the other hand pulling on the string, e.g. when tightening up the two ends of the strings, one to hold the container and one end of the string on one end while pulling the other end to create tension in the string enable one to tie up the box.

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10. Claims 1, 2, 4, 6, 9, 10, 12, 15-17, 19, and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hileman in view of Bennett (2954153). Bennett teaches a container with a bottom panels 28 and panel 42 having the two portions. It would have been obvious for one of ordinary skill in the art to provide a cord as taught by Bennett to enable one to set up the container easily. As set forth above, it is obvious to one of ordinary skill in the art when setting up a collapsible container, there are many ways to set up a collapsed container including the method of one hand holding the container while the other hand pulling on the string, e.g. when tightening up the two ends of the strings, one to hold the container and one end of the string on one end while pulling the other end to create tension in the string enable one to tie up the box.

11. Claims 7-8, 13, 14, 22, and 23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Hileman rejection, as set forth above, and further in view of Miller (282657). It would have been obvious to one of ordinary skill in the art to provide indicia like advertisement as taught by Miller to promote the manufacturer and/or the contents.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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